

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #: _____
DATE FILED: 11/25/20

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MARIO PASSANTE,

Plaintiff,

-against-

LUZZO'S 211, LLC and MICHELE IULIANO,

Defendants.
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1:20-cv-4771-GHW

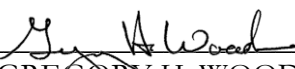
ORDER

GREGORY H. WOODS, District Judge:

The Court has received the parties' proposed stipulation of dismissal with prejudice under Fed. R. Civ. P. 41(a)(1)(A)(ii). Dkt. No. 27. The Court cannot endorse that stipulation. In light of the decision of the Second Circuit Court of Appeals in *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199 (2d Cir. 2015), the parties cannot dismiss claims arising under the FLSA with prejudice pursuant to Rule 41(a)(1)(A).

SO ORDERED.

Dated: November 25, 2020



GREGORY H. WOODS
United States District Judge